



*Dep/ry*

From: Hark Chan  
Deposit account: 03-1243  
RE: Overcharge of Notice of Appeal Fee for  
Application Serial No. 09/836,397

2009-05-03 14:42

Sir,

I submitted a Notice of Appeal for the above captioned patent application on March 17, 2009 (see attached). On March 25, 2009, I was charged a fee of \$540, which is the current fee for filing a Notice of Appeal. However, I had previously paid at least \$500, and the full amount of \$540 should not be charged, as explained below.

Under MPEP 1204.01 (see attached), "[a]ny previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal." I had filed a Notice of Appeal and paid the then-current fee in 2006 for this application, and there is no final Board decision on this application. Thus the fee I paid in 2006 should be applied to the current Notice of Appeal.

I also attached a web version of the deposit account statement showing a 09/19/2006 payment of \$500 for the previous filed Notice of Appeal (fee code 1401).

Please refund the difference to my deposit account.

Sincerely,

Hark Chan

*April 24, 2009*

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MAY 01 2009



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**1204.01 Reinstatement of Appeal [R-3] - 1200 Appeal**

&gt;

**1204.01 Reinstatement of Appeal [R-3]**

If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205. <

\*&gt;

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|             |                         |          |            |       |                   |                |
|-------------|-------------------------|----------|------------|-------|-------------------|----------------|
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|             |                         |          | (glossary) |       |                   |                |

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Last Modified: 12/18/2008 04:41:44

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Patent and  
Trademark Office**

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Page**Deposit Account Statement**

**Requested Statement Month:** September 2006  
**Deposit Account Number:** 031243  
**Name:** H C CHAN  
**Attention:**  
**Street Address 1:** 6827 ST. ANDREWS DR.  
**Street Address 2:**  
**City:** MUKILTEO  
**State:** WA  
**Zip:** 98275  
**Country:** UNITED STATES

| DATE  | SEQ | POSTING<br>REF TXT | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT      | BAL        |
|-------|-----|--------------------|---------------------------|-------------|----------|------------|
| 09/19 | 8   | 09836397           | LOCREM-01                 | 1401        | \$500.00 | \$2,195.00 |

| START<br>BALANCE | SUM OF<br>CHARGES | SUM OF<br>REPLENISH | END<br>BALANCE |
|------------------|-------------------|---------------------|----------------|
| \$2,695.00       | \$500.00          | \$0.00              | \$2,195.00     |

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|  |  |  |  |
|--|--|--|--|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>   |  | Docket Number (Optional)<br><b>LOCREM-01</b>   |  |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)]<br>on _____<br>Signature _____<br>Typed or printed name _____ |  | In re Application of<br><b>Hark C Chan</b><br><hr/> Application Number<br><b>09/836,397</b> <div style="float: right;">Filed<br/><b>4/17/2001</b></div> <hr/> For A Data Delivery System Using Local and Remote Communications<br><hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">           Art Unit<br/> <div style="font-size: 1.5em; font-weight: bold;">2457</div> </div> <div style="width: 45%;">           Examiner<br/> <b>Nano, Sargon N</b> </div> </div> |  |

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 30.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1243

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Applicant had paid a total of \$510 in two previously filed Notice of Appeals (see attached). Thus only \$30 needs to be paid to reach the current fee of \$540.

I am the

☒ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

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**Hark C Chan**  


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 Signature  


---

 Typed or printed name  


---

**(408) 216-7041**  


---

 Telephone number  


---

March 16, 2009

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 Date

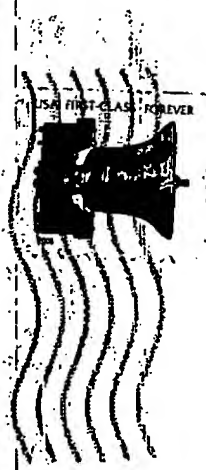
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

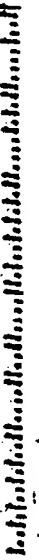
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

H Chan  
6827 St. Andrews Dr  
Mukilteo, WA 98275



Mail Stop 16  
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Document code: WFEE

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Sales Receipt for Accounting Date: 03/25/2009

DWILLIA4 SALE #00000001 Mailroom Dt: 03/17/2009 031243 09836397  
01 FC:1401 540.00 DA

Adjustment date: 05/12/2009 SDIRETA1  
09/19/2006 EFLORES 00000007 031243 09836397  
01 FC:1401 500.00 CR

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 40.00

### Complete if Known

Application Number 09/836,397  
Filing Date 4/17/2001  
First Named Inventor Hark C Chan  
Examiner Name Sargon N. Nano  
Art Unit 2457  
Attorney Docket No. LOCREM-01

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 03-1243 Deposit Account Name: Hark Chan

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 330         | 165                   | 540         | 270                   | 220              | 110                   |                |
| Design           | 220         | 110                   | 100         | 50                    | 140              | 70                    |                |
| Plant            | 220         | 110                   | 330         | 165                   | 170              | 85                    |                |
| Reissue          | 330         | 165                   | 540         | 270                   | 650              | 325                   |                |
| Provisional      | 220         | 110                   | 0           | 0                     | 0                | 0                     |                |

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 52       | 26                    |
| 220      | 110                   |
| 390      | 195                   |

Total Claims Extra Claims Fee (\$)

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee (\$)

Fee Paid (\$)

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): additional fee for filing Appeal Brief

40.00

#### SUBMITTED BY

Signature

*Hark Chan*

Registration No.  
(Attorney/Agent)

Telephone

Name (Print/Type) Hark Chan

Date April 24, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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